REMARKS

This Amendment is in response to the Office action (Paper No. 20071010) mailed on 18 October 2007. Re-examination and reconsideration are respectfully requested.

Listing of The Claims

Pursuant to 37 CFR §121(c), the claim listing, including the text of the claims, will serve to replace all prior versions of the claims, in the application.

Status of The Claims

Claims 1-17 are pending in the application.

Amendment of The Claims

Claim 1, 9, 10 are amended in various particular.

Issues Raised by Paper No. 20071010

Claim Rejections - 35 U.S.C. §102(e)

I. Claims 1-17 are rejected under 35 U.S.C. §102(e) as being anticipated by Monta et al. (US 7,039,048).

The Examiner rejected Claims 1-17 under 35 U.S.C. §102(e) by asserting that the cited primary reference Monta '048 anticipates these claims. Applicant does not agree with this rejection and traverses, this assertion for the following reasons.

1. The subject matter of applicant's invention and Monta '048 are totally different and incomparable. An embodiment of Applicant's invention teaches an improved **digital set top box**

which processes ATM mode data for guaranteeing quality of service in a hardware type, and IP mode data for building a system at a low price in a combination type of hardware and software when a digital broadcasting or video on demand stream is supplied to the digital settop box through a xDSL protocol. The disclosed set top box is directly connected to a video display. In other words, the downstream data processed by the set top box is displayed on a screen. Embodiments of applicant's invention provides a digital set top box which supports both ATM mode and IP mode MPEG VOD by identifying incoming signals and processing the different incoming signals in different processing paths. As shown in Fig. 2-4, applicant's invention teaches a digital set top box which processes ATM, IP over ATM and IP mode MPEG data by identifying these different signals and the processing these different signals in their corresponding processing paths.

Monta '048, however, teaches an improved **Cherrypicker** which controls the digital transport stream that transported stream reaches the customer's settop box. The Cherrypicker of Monta '048 is intended to receive MPEG transport streams and IP packets streams. Cherrypicker and settop box are two different kinds of communication devices and have different functionality. In fact, the data processed by the Cherrypicker critically needs to be further processed by a set top box.

Therefore, applicant's claims 1 through 17 define a different circuit that acts upon the data streams received in a different manner, to produce different output signals than applicant's settop box. Applicant's Claim 1 and 10 define an improved apparatus (i.e. a settop box) "which can process asynchronous transfer mode (ATM) mode data for guaranteeing quality of service in a hardware type, and Internet protocol (IP) mode data for building a system at a low price in a combination type

of hardware and software, when a digital broadcasting or VOD stream is supplied to the digital settop box through a digital subscriber line protocol (xDSL)", identifies incoming signals and processing the different incoming signals in different processing paths, and is directly connected a video display and transmits the processed data to a video display. Monta '048, however, defines a packet switched cherrypicker which "receives MPEG transport stream and IP packet streams" and "picking out the desired MPEG packets and IP packets from input streams and putting them together into output streams", and all the streams will be transmitted to and further processed by hosts which are "intended to mean any computer, settop decoder box, digital VCR, videophone...." Monta '048 makes no suggestion of Applicant's apparatus able to process "asynchronous transfer mode (ATM) mode data for guaranteeing quality of service in a hardware type, and Internet Protocol (IP) mode data for building a system at a low price in a combination type of hardware and software, when a digital broadcasting or VOD stream is supplied to the digital settop box through a digital subscriber line protocol (xDSL)", and identify incoming signals and processing the different incoming signals in different processing paths, and is directly connected a video display and transmits the processed data to a video display.

Therefore, applicant's invention teaches a different communication device from that taught by Monta '048 and Monta '048 could not be possible teach applicant's invention.

2. The Examiner on Page 4 of Paper No. 20071010 states that:

> "Monta teaches an apparatus wherein said data transforming unit (settop box, col. 15 lines 15-27; col. 16 lines 52-67)... ."

According to this statement, the Examiner asserts that Monta '048 teaches a settop box which has similar functionality of the data transforming unit of an embodiment of applicant's invention. According to the analysis of paragraph 1, applicant's invention as a whole teaches an improved digital settop box having a transforming unit, therefore the foundation of the Examiner's comparison between applicant's invention and Monta '048 is not proper.

3. The receiving unit of an embodiment of applicant's invention receives data "at least one selected from among asynchronous transfer mode digital broadcasting, asynchronous transfer mode video on demand, Internet protocol mode digital broadcasting, and Internet protocol video on demand, " and "said data receiving unit identifying the received signals by determining when the received signals are asynchronous transfer mode data, when the received signals are Internet protocol over asynchronous transfer mode data, and when the received signals are Internet protocol data, said data receiving unit transmitting information corresponding to the received signals in dependence upon the identifying." As a component of the settop box, the data receiving unit receives signals "at least one selected from among asynchronous transfer mode digital broadcasting, asynchronous transfer mode video on demand, Internet protocol mode digital broadcasting, and Internet protocol video on demand", identifies the received signals and transmits the identified signal to different processing paths.

Monta '048 teaches a packet switch10 which receives the packets from IP wrapper 12, web servers, application servers and national backbone. IP wrapper breaks MPEG transport streams into individual MPEG packets and encapsulate these MPEG packets in multicast IP packets. In other

words, packet switch 10 and IP wrapper 12 together receives MPEG, IP and ATM packets by encapsulating the MPEG packets. Monta '048 also teaches front end processing circuitry of cherrypicker switch which recognize the LAN addresses and TCP/IP addresses. Although Monta '048 provides multiple components which together receive signals as the data receiving unit of an embodiment of applicant's invention, Monta '048 nowhere teaches a data receiving unit "identifying the received signals by determining when the received signals are asynchronous transfer mode data, when the received signals are Internet protocol over asynchronous transfer mode data, and when the received signals are Internet protocol data".

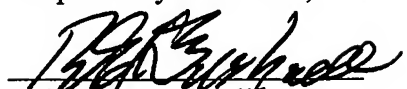
Therefore, not only Monta '048 teaches a different communication device from an embodiment of applicant's invention, but also Monta '048 does not teach a "data receiving unit identifying the received signals by determining when the received signals are asynchronous transfer mode data, when the received signals are Internet protocol over asynchronous transfer mode data, and when the received signals are Internet protocol data".

4. Claims 1, 9 and 10 are amended.

In view of the foregoing amendments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. If there are any questions, the examiner is asked to contact the applicant's attorney.

No fee is incurred by this Amendment.

Respectfully submitted,



Robert E. Bushnell
Attorney for the Applicant
Registration No.: 27,774

1522 "K" Street N.W., Suite 300
Washington, D.C. 20005
(202) 408-9040
Folio: P56914
Date: 1/14/08
I.D.: REB/XL